

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on August 10, 2005. By this Response, claims 1 and 13-15 are amended. The specification is amended to reflect the changes made in the claims. No new matter is added. Claims 1 and 5-14 are now active for examination. A petition for a two-month extension of time and a request of continued examination are submitted concurrently herewith.

The Office Action and the Telephone Interview

The Office Action dated August 10, 2005 rejected claims 1, 5-7, 10 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Gabr (U.S. Patent No. 3,995,124) in view of Yamaguchi et al. (U.S. Patent No. 6,272,360). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr in view of Yamaguchi, and further in view of DeLine et al. (U.S. Publication No. 2005/0156753). Claim 12 stood rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Gabr, Yamaguchi and Losey (U.S. Patent No. 6,748,308). The Office Action rejected claims 1, 5-11 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Gabr in view of DeLine. Claim 12 was rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr and DeLine, and further in view of Losey.

The Examiner is thanked for the courtesy for granting a telephone interview on December 13, 2005 to discuss differences between the claims and the cited documents. An agreement was reached that the rejections would be overcome if the independent claims are amended to describe that the noise collecting microphone is disposed in a space between a vehicle body outer plate and a wall of the vehicular passenger compartment or a vehicular

passenger compartment trim material. The added feature is exemplified in Figure 3 of the written description.

By this Response, the claims are amended based on the conclusion of the telephone interview. It is believed that the rejections are overcome. Favorable reconsideration of the claims is respectfully solicited.

The Obviousness Rejection Based on Gabr and Yamaguchi Is Overcome

Claims 1, 5-7, 10 and 13-15 were rejected as being unpatentable over Gabr in view of Yamaguchi. The obviousness rejection is respectfully overcome because Gabr and Yamaguchi cannot support a *prima facie* case of obviousness.

Claim 1, as amended, describes a vocal sound input apparatus that has a receiving microphone and a noise collecting microphone. The receiving microphone and the noise collecting microphone are disposed at a predetermined portion of a vehicle body. The sensitivity direction of the receiving microphone is arranged to be opposite to the sensitivity direction of the noise collecting microphone. The sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment. The noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment. Appropriate support for the amendment can be found in, for example, Fig. 3 and paragraphs [0022] and [0023] of the written description.

In contrast, Gabr only describes two electro-acoustic transducers (14, 16) mounted together and having opposite sensitivity direction, and does not specifically teach that “the noise

collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment,” as described in claim 1.

The other cited document, Yamaguchi, only describes providing microphones attached to a sun visor. Like Gabr, Yamaguchi fails to disclose that “the noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment,” as recited in claim 1. Accordingly, Gabr and Yamaguchi, even if combined, do not teach every limitation of claim 1, and hence cannot support a *prima facie* case of obviousness. The obviousness rejection of claim 1 is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Claims 5-7 and 10, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Therefore, claims 5-7 and 10 also are patentable over Gabr and Yamaguchi by virtue of their dependencies on claim 1. Favorable reconsideration of claims 5-7 and 10 is respectfully requested.

Claim 13, as amended, describes that the noise collecting microphone is disposed in the space between the vehicle body outer plate and the wall of the vehicular passenger compartment. As discussed earlier relative to claim 1, neither Gabr nor Yamaguchi describes this feature. Accordingly, claim 13 is patentable over the combination of Gabr and Yamaguchi at least for the same reasons as for claim 1. Favorable reconsideration of claim 13 is respectfully requested.

Claims 14 and 15, as amended, describe that the noise collecting microphone is disposed in a space between a vehicle body outer plate and an interior trim material or a vehicular passenger compartment trim material. As discussed earlier relative to claim 1, neither Gabr nor Yamaguchi describes this feature. Accordingly, claims 14 and 15 are patentable over the

combination of Gabr and Yamaguchi. Favorable reconsideration of claims 14 and 15 is respectfully requested.

The Obviousness Rejections of Claims 11 and 12 Based on Gabr and Yamaguchi, and Further in View of DeLine or Losey Are Overcome

Claims 11 and 12, directly or indirectly, depend on claim 1 and incorporate every limitation thereof. Claim 11 was rejected as being unpatentable over Gabr and Yamaguchi, and further in view of DeLine; and claim 12 stood rejected as being unpatentable over Gabr and Yamaguchi, and further in view of Losey.

As discussed earlier, both Gabr and Yamaguchi fails to teach that a noise collecting microphone is disposed in a space between a vehicle body outer plate and a wall of the passenger compartment, the feature of which is incorporated into claims 11 and 12 by virtue of their dependencies from claim 1. Neither DeLine nor Losey describes alleviates the deficiency of Gabr and Yamaguchi. Therefore, even if Gabr and Yamaguchi is combined with either of DeLine and Losey, the combined documents do not support a prima facie case of obviousness. The obviousness rejection of claims 11 and 12 is untenable and should be withdrawn. Favorable reconsideration of claims 11 and 12 is respectfully requested.

The Obviousness Rejections Based on Gabr and DeLine Is Overcome

Claims 1, 5-11 and 13-15 were rejected as being unpatentable over Gabr and DeLine. As discussed earlier, neither Gabr nor DeLine describes a noise collecting microphone disposed in a space between a vehicle body outer plate and a wall of the passenger compartment or a trim material. Accordingly, Gabr and DeLine, even if combined, do not disclose every limitation of

claims 1, 5-11 and 13-15, and thus cannot support a prima facie case of obviousness. Favorable reconsideration of claims 1, 5-11 and 13-15 is respectfully requested.

The Obviousness Rejections of Claim 12 Based on Gabr, DeLine and Losey Is Overcome

Claim 12 indirectly depends on claim 1 and incorporates the feature related to a noise collecting microphone disposed in a space between a vehicle body outer plate and a wall of the passenger compartment, by virtue of the dependency. As discussed earlier, none of Gabr, DeLine and Losey describes the incorporated feature. Accordingly, Gabr, DeLine and Losey, even if combined, do not disclose every limitation of claim 12 and thus cannot support a prima facie case of obviousness. The obviousness rejection of claim 12 is untenable and should be withdrawn. Favorable reconsideration of claim 12 is respectfully requested.

Conclusion

For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representative listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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